

In re Patent Application of:
CHAPMAN ET AL.
Serial No. 10/617,065
Filing Date: JULY 10, 2003

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. The provisional obviousness-type double patenting will be addressed by filing a terminal disclaimer once the application is in condition for allowance. Claims 13-24 have been amended to more clearly define the present invention. The claim amendments and arguments supporting patentability of the claims are provided below.

I. The Specification Describes The Claimed Invention

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner has taken the position that the specification does not provide a description of what a public information release authorization form comprises. In the specification, FIGS. 3-13 illustrate one embodiment of display formats for the PIRA form. In particular, reference is directed to page 10, lines FIG. 29-32 which provides: "To prepare a new PIRA form, the user clicks on "Prepare a New PIRA" at field 200.

Clicking on field 200 causes a new PIRA form to be displayed, as shown in FIG. 4." (Emphasis added). The remainder of the specification from page 10, line 32 through page 31, line 5 describes in detail what a PIRA form comprises.

In addition, the Examiner has also taken the position that that the specification does not provide a description of what a computer-readable medium comprises. The Examiner is

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directed to page 4, line 28 through page 5, line 4 in the specification for a description of a computer-readable medium.

The Applicants submit that the specification provides proper antecedent basis for the claimed subject matter. Consequently, the Applicants request that the objection to the specification be withdrawn.

II. Claims 13-24 Are Directed To Statutory Subject Matter

The Examiner rejected Claims 13-24 under 35 U.S.C §101 based on the position that software is not a statutory category of invention. The Applicants respectfully disagree that software is not patentable. For instance, the Examiner cited U.S. Patent No. 6,507,865 to Hanson et al. as a prior art reference that includes a claim (Claim 29) directed to computer software. Nonetheless, to more clearly define the present invention, Claims 13-24 have been amended.

Amended independent Claim 13 is directed to an intranet for distributing a public information release authorization (PIRA) form comprising at least one server for implementing the PIRA process, and a first user computer cooperating with the at least one server for creating and submitting a PIRA form over the intranet. The PIRA form is submitted by an author to at least one approver via e-mail with a hyperlink to the PIRA form. A second user computer cooperates with the at least one server for transmitting comments of the PIRA form by the at least one approver via e-mail.

Amended independent Claim 25 is directed to a computer-readable medium having computer-executable instructions for

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causing user computers coupled to at least one server and defining an intranet therewith to perform steps comprising creating and submitting a public information release authorization (PIRA) form over the intranet using a first one of the user computers cooperating with the at least one server. The PIRA form is submitted by an author to at least one approver via e-mail with a hyperlink to the PIRA form. Comments for the PIRA form by the at least one approver are transmitted via e-mail using a second one of the user computers cooperating with the at least one server.

The Applicants submit that amended Claims 13-24 are directed to statutory subject matter, and request that the 35 U.S.C §101 rejection be withdrawn.

III. The Spencer Patent Is Not A Prior Art Reference

The priority date of the present invention is based on provisional application Serial No. 60/141,306 filed June 28, 1999, and provisional application Serial No. 60/146,254 filed July 29, 1999. In particular, the '306 provisional application discloses in detail the present invention on page 16, line 37 to page 19, line 2. The priority date of the Spencer patent is August 23, 1999 - after the priority date of the present invention.


IV. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims

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are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 5 day of July, 2007.

